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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,015	12/10/2003	Jin-Chu Lu	MR957-1428	5206
4586	7590	12/30/2005	EXAMINER	
ROSENBERG, KLEIN & LEE			AVERY, BRIDGET D	
3458 ELLICOTT CENTER DRIVE-SUITE 101			ART UNIT	PAPER NUMBER
ELLICOTT CITY, MD 21043			3618	

DATE MAILED: 12/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/731,015

Applicant(s)

LU, JIN-CHU

Examiner

Bridget Avery

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snell et al. (US Patent 5,566,961).

Snell et al. teaches a multi deck cart, including a bottom holding unit including a horizontal plate (20), and front and rear wall portions made of narrow plates (40, 41) and respectively detachably connected with front and rear edges of the horizontal plate (20) at lower edges, as clearly shown in Figure 2; the horizontal plate (20) being formed with concave portions at lateral edges thereof; a plurality of wheels (120, 123) detachably joined to a lower side of the horizontal plate (20) via support assembly (13); two lateral plates (100) respectively inserted in the concave portions of the horizontal plate (20) at lower ends; each lateral plate (100) being folded/bent such that front and rear edges thereof have connecting portions projecting from it; the lateral plates (100) being detachably joined to the wall portions (40, 41) at the connecting portions thereof; and a plurality of upper holding units (as clearly shown in Figure 4) spaced apart between the lateral plates (100); each holding unit including a horizontal plate (20), and front and rear wall portions (40, 41) made of narrow plates and respectively detachably connected with front and rear edges of the horizontal plate (20) at lower edges; the

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holding units being detachably joined to the connecting portions of the lateral plates (100) at the wall portions thereof. The horizontal plate (20) of the bottom holding unit has insertion portions (30) at the front and the rear edges while each of the wall portions (40, 41) of the bottom holding unit has a hooking portion (42) at the lower edge for allowing insertion of a corresponding insertion portion (30) therein, as described in column 4, lines 1-7. Each of the horizontal plates of the upper holding units has insertion portions at the front and the rear edges while each of the wall portions of the upper holding units has a hooking portion at the lower edge for allowing insertion of a corresponding insertion portion therein, as stated in column 4, lines 26-31. A handle (130) is provided, which opposes an outer side of a first one of the lateral plates, and is secured to the first lateral plate. The handle (130) includes two supports (131) secured to the first lateral plate, and a main body (130) connected with the supports (131) at two ends.

Snell et al. lacks the teaching of metal materials, lateral plates with through holes spaced along them.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to use metal materials, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use. It would have been obvious to one having ordinary skill in the art, at the time the invention was made to provide lateral plates with through holes spaced along them and threaded fixing elements in place of the locking strip, because of the equivalence of spaced apart holes and threaded fixing elements and a locking strip in

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the fastener art and the selection of any of these known equivalents to fasten elements together would be within the level of ordinary skill in the art.

2. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snell et al. (US Patent 5,566,961) in view of Hallowell et al. (US Patent 1,866,464).

Snell et al. teaches the features described above.

Snell et al. lacks the teaching of a horizontal portion extending from the vertical portion of the horizontal plates and a drawer.

Hallowell et al. teaches a drawer support including a horizontal portion extending from a vertical portion of a horizontal plate (11) to support a drawer.

Based on the teachings of Hallowell et al., it would have been obvious to one having ordinary skill in the art, at the time the invention was made to modify the horizontal plates to include a horizontal portion extending from the vertical portion to enable support of a drawer without the use of tools or other fasteners. It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to add a drawer to provide a compartment where small objects can be contained on the cart.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hsiao shows a tool box provided with a seat unit.

Chen shows a multiple-layer tool box.

Landsberger et al. shows a modular laboratory cabinet.

Chen shows a tool box having drawers.

Preuss shows a versatile material cart system.

Chen shows a tool box.

Hsu shows a cabinet.

Mrotz, III et al. shows an overhead storage unit.

Mengrone et al. shows a wheeled personal item caddy.

Horian shows a display rack.

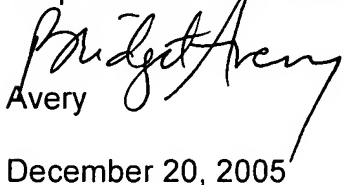
Chen shows a tool cabinet.

Propst shows a cart assembly.

Armand shows a transport device.

Hotton shows a mobile tool stand.

4. Any inquiry concerning this communication should be directed to Bridget Avery at telephone number 571-272-6691.


Avery

December 20, 2005

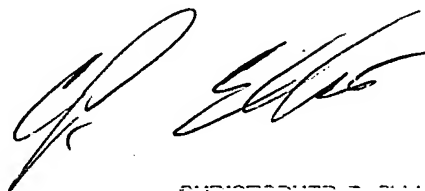


EXHIBIT 1
EXHIBIT 2
EXHIBIT 3
EXHIBIT 4
EXHIBIT 5
EXHIBIT 6
EXHIBIT 7
EXHIBIT 8
EXHIBIT 9
EXHIBIT 10